Exhibit F

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1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE EASTERN DISTRICT OF VIRGINIA

3   RICHMOND DIVISION

4   ~~~~~~~~~~~~~~~~~~~~

5   CHMURA ECONOMICS & ANALYTICS, LLC

            Plaintiff

6

        vs.   Case No. 3:19-CV-00813

7

8   RICHARD LOMBARDO

            Defendants

9

10   ~~~~~~~~~~~~~~~~~~~~

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12   REMOTE VIDEO DEPOSITION OF:

13   JOHN L. CHMURA, VOL. II

14

15   Taken on:

16   May 5, 2020

                  9:00 a.m.

17

18

                   Taken at:

19

20   Home of John Chmura

                ██████████████

21   ████████████████████████

22

23

24   Kelliann D. Linberg, RPR, Notary Public

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 1   APPEARANCES: (Via Videoconference)
 2   On behalf of the Plaintiffs:
 3        Koehler Fitzgerald, LLC
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 8   On behalf of the Defendants:
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          Cmichalik@mcguirewoods.com
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13
14
15   ALSO PRESENT:
16        RICHARD LOMBARDO
17        LESLIE PETERSON, via Zoom
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1   TRANSCRIPT INDEX

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14 EXHIBIT CUSTODY: RETAINED BY COURT REPORTER

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1   INDEX OF EXHIBITS

2

3   Number   Description   Marked

4

5   Defendant's:

     Exhibit X   Previously Marked Highly   132

6   Confidential Copy of Email

                   Dated 10/2/2019 Bates

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 1              JOHN L. CHMURA, being previously sworn, and
 2   with the previous agreed upon stipulation regarding the
 3   need for this deposition to take place remotely because
 4   of the Government's order for social
 5   distancing, said as follows:
 6              EXAMINATION OF JOHN L. CHMURA, Vol. 2
 7   BY MS. COOPER:
 8       Q.    Good morning, Mr. Chmura.
 9       A.    Good morning.
10       Q.    Well, where we left off in the deposition,
11   I completed your corporate representative testimony and
12   we are moving into your individual testimony this
13   morning.  So I am going to start with just asking a few
14   background questions, and some of it may be ground we
15   already covered, but just where we left off --
16              MR. MICHALIK:  Christine, can you turn your
17   volume up?  I think -- I hear everybody else clearly,
18   but like last time, we have a little bit of trouble
19   hearing on your end.
20              MS. COOPER:  Yes, let me see if I can put
21   it closer as well.  Okay, that should be better.  Is
22   that better?
23              MR. MICHALIK:  Yes, perfect.
24       Q.    Mr. Chmura, you are a member Chmura
25   Economics & Analytics, LLC, correct?
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1   A.   Correct.

2   Q.   And I believe your earlier testimony, we

3   went through who the other members were. With respect

4   to control of the company, which of the members have --

5   A.   I'm sorry. I am getting a lot of echo and

6   it is hard to understand what you are saying.

7   Q.   With respect to the members, is there a

8   hierarchy amongst them?

9   MR. MICHALIK: And just to be clear,

10 Christine, this is for him as a fact witness not as a

11 30(b)(6) designee?

12   MS. COOPER: That is correct.

13   MR. MICHALIK: Okay.

14   A.   Yes, we have an org chart if that's what

15 you are asking.

16   Q.   And what does the org chart show?

17   A.   Chris Chmura, CEO and Leslie Peterson are

18 at the top, and then underneath them are people like me

19 and Greg, you know, department heads. And then we have

20 various teams under us.

21   Q.   Are Dr. Chmura and Ms. Peterson the

22 ultimate decision makers for the company?

23   A.   Yes.

24   MR. MICHALIK: Object to the form of the

25 question. You can answer.

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1   A.   Yes, they are.

2   Q.   What types of decisions are they

3   responsible for?

4   A.   Ultimately, I mean, they can decide, you

5   know, corporate -- they do decide corporate level

6   decisions.

7   Q.   Could you describe what a corporate level

8   decision is?

9   A.   Sure, things like financial, you know,

10   hiring, firing, I suppose they have the ultimate say on

11   that. These kind of broader decisions that affect the

12   whole company.

13   Q.   Did either one of them ever make smaller

14   decisions?

15   A.   Sure.

16   Q.   How frequently -- well, let me ask this:

17   To your knowledge, did either Dr. Chmura or

18   Ms. Peterson make decisions relating to the sales team?

19   MR. MICHALIK: Object to the form of the

20   question. You can answer.

21   A.   I am not involved with the day-to-day

22   sales, so I can only answer through SEA Group, the

23   leadership group, and, yes.

24   Q.   And what types of decisions would

25   Dr. Chmura make pertaining to the sales team?

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1   A.   I don't keep a log of all the specific
2   decisions.
3   Q.   What about --
4   A.   Hiring.
5   Q.   Okay, hiring. And I think you mentioned
6   firing. Did they also make decisions with respect to
7   firing as far as --
8   A.   Yes.
9   Q.   It is my understanding that Chmura had
10   something called a road map. Is my understanding
11   correct?
12   A.   Yes, correct.
13   Q.   Can you explain what the road map is?
14   A.   Yes, the road map is a list of feature
15   requests, or changes that we want to make to our
16   products, or even new products. And it is what we use
17   to track those requests and then prioritize the work.
18   Q.   How does an item end up on the road map?
19   A.   Well, it can come in through several
20   channels. It may come internally from -- from
21   leadership, or from any employee. It may come from a
22   support request from a user, and it may come through
23   sales; you know, they would hear them from users
24   directly or in their prospecting work and in their
25   selling work.

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1   Q.   Any other ways that something might end up

2   on the road map?

3   A.   We don't put restrictions on ways things

4   can end up there.

5   Q.   How are items on the road map prioritized?

6   A.   So they are prioritized by the number of

7   requests for a particular item. They are prioritized

8   by level of effort and possible impact to the product

9   offering, and then they are prioritized based on input

10   from leadership.

11   Q.   I want to take a step back and talk a

12   little bit more about how these items come in. You

13   mentioned that they could be listed on the road map

14   from an internal source. Can you explain a little more

15   by what you mean by internal and how that would end up

16   on the road map?

17   A.   Well, sure. All of our -- I shouldn't say

18   all of employees, but a lot of employees use the

19   products, whether it is testing or to do their work,

20   and in the process of that, have ideas of changes to

21   make and new features, so they do submit those and we

22   track them on the road map.

23   Q.   Did Mr. Lombardo, to your knowledge, ever

24   either bring to you or bring to leadership an idea, an

25   internal idea that he had?

1   A.   Yes.

2   Q.   What idea -- or what ideas were those?

3   A.   So he was a strong advocate for things like

4   the Career Concourse, which is a product offering. He

5   also -- let's see, there was a data set that we created

6   called GDP. He was a strong advocate of that as well.

7   There was a feature called Clippy(ph). I'd have to

8   look at the road map to be more specific.

9   Q.   With respect to Career Concourse, you said

10   he was an advocate. Was this his idea?

11   A.   No. No, it was an existing product and

12   what was on the table was, should we revamp and build a

13   new version of it or not.

14   Q.   And he was an advocate of rebuilding a new

15   version of that, correct?

16   A.   Yes, correct. So, again, I wasn't involved

17   in the day-to-day of sales, but my recollection of it

18   was that, you know, he was telling us that it was

19   something that he needed to be able to sell to the

20   education sector.

21   Q.   Did he actually develop Career Concourse?

22   A.   No.

23   Q.   Who did?

24   A.   My development team.

25   Q.   Do you know whether -- let me re-ask that.

1   At the time Mr. Lombardo was an advocate for Career

2   Concourse, was it something that was already on the

3   road map?

4   A.   I don't recall.

5   Q.   And the next product you mentioned, it

6   was -- and forgive me if I get it wrong -- but it was

7   GDP?

8   A.   Yes, GDP.

9   Q.   And you said Mr. Lombardo advocated for

10   GDP, correct?

11   A.   Correct.

12   Q.   Can you tell me a little about what GDP is?

13   A.   So GDP is a data set that we compute the

14   GDP, the gross domestic product, for an individual

15   region, which is not something that is otherwise

16   available. And I am trying to recall back to when we

17   were discussing this, but I believe there was a

18   prospect in particular that really needed us to have

19   this data set in order for them to buy JobsEQ, and

20   that's, I think where a lot of Rick's -- you know, his

21   support behind GDP was coming from that, that he needed

22   it to close that sale.

23   Q.   So would this have been a product or an

24   idea that Mr. Lombardo -- well, let me step back. Who

25   would Mr. Lombardo send -- with respect to GDP, who did

1   Mr. Lombardo send -- or, that's not fair.

2   How did Mr. Lombardo bring -- who did

3   Mr. Lombardo bring this idea to?

4   A.   I don't recall specifically with that one.

5   I mean, in general, we would capture these -- he may

6   have just walked down the hall and told myself or Greg

7   Chmura about it. Otherwise, we would capture them

8   through -- like, they would log them in their notes in

9   Salesforce and then we certainly would have a

10 discussion around them at that monthly sales meeting I

11 mentioned where they would go around the table and talk

12 about things they are hearing from customers.

13   Q.   Was GDP an instance where Mr. Lombardo

14 would have been passing through a request from a

15 potential client or clients?

16   MR. MICHALIK: Object to the form of the

17 question. You can answer.

18   A.   If my recollection is correct, in this case

19 it was a prospect.

20   Q.   Did Mr. Lombardo help develop GDP?

21   A.   No.

22   Q.   You also mentioned Clippy. Can you explain

23 what Clippy is?

24   A.   A Clippy is a feature on our road map

25 currently that is still kind of conceptual, but would

1 allow our users to create a customer board based on the

2 data in JobsEQ.

3   Q.   And how was this idea brought to your

4 attention?

5   A.   I don't remember where it originated, but

6 Rick would bring it up often. It's something that our

7 competitor has.

8   Q.   Now, you said that there were other ways

9 for items to get on the road map, which were support

10 requests, correct?

11   A.   That's correct.

12   Q.   Can you explain that a little bit further?

13   A.   Sure. If a user has -- they can't --

14 let's, just for example, say they can't find some data

15 they need, they may initiate a support request, which

16 means they may open a chat window with our support

17 team. They may call or email their account manager and

18 would say, you know, do you have GDP data. And, you

19 know, so in some cases, the answer would be, no, we

20 don't. But whoever was receiving that request then

21 would take some information and we would get it logged

22 onto the road map.

23   Q.   And then you also mentioned that the sales

24 team would hear from users or prospects, correct?

25   A.   Correct.

1   Q.   And how were those filtered -- who were

2   those requests filtered to?

3   MR. MICHALIK: Object to the form of the

4   question.   You can answer.

5   A.   So I don't know if sales had an official

6   procedure on how those were to be reported.   There were

7   instances where Rick would, you know, tell them to Greg

8   or myself directly, and then like I said, I would also

9   hear them through that monthly sales meeting.

10   Q.   Do you recall any specific items on the

11   road map that, other than Career Concourse, GDP and

12   Clippy, that Mr. Lombardo brought to management -- or

13   brought to leadership's attention?

14   A.   There was one that we call, Employer

15   Database, or Firm List -- we've called it both

16   things -- which was another that a competitor has.   It

17   was a feature that -- we have it now, too, but it was a

18   feature that they had and, you know, Rick would come to

19   us with prospects that were asking for it or saying

20   that they needed it in order to switch to JobsEQ.

21   Q.   Did Mr. Lombardo have any hand in

22   developing Employer -- Employer or Firm List, is that

23   what it is called?

24   A.   Employer Database is --

25   Q.   Okay.   Let me re-ask my question then.

1   Did Mr. Lombardo have any hand in

2   developing Employer Database?

3   MR. MICHALIK: Object to the form.

4   A.   I have to review my notes on that. So

5   there were some features where we needed some

6   additional specifications of what the users really

7   needed, and in the those cases, we would often leverage

8   the account manager to connect us with customers, or

9   facilitate a conversation with those customers so that

10   we could capture those requirements. I don't recall if

11   Employer Database was one of those or not.

12   Q.   But it is possible you may have asked

13   Mr. Lombardo to reach out to his contacts to get

14   feedback; is that fair?

15   A.   Yeah, that's fair.

16   Q.   Was Mr. Lombardo present in any meetings

17   where the priority of the items on the road map were

18   discussed?

19   A.   If he was, I don't recall.

20   Q.   And you testified that the road map was

21   prioritized by the number of requests and the level of

22   effort, correct?

23   A.   Well, those were two factors, correct.

24   Q.   What other factors were there?

25   A.   So, also if it could be to a large sale, we

1   may give that more weight, may have given it more

2   weight. And then, also, things like availability of

3   resources.

4   Q.   Was Mr. Lombardo involved in the decision

5   -- let me rephrase. Was Mr. Lombardo involved in the

6   prioritization of the items on the road map?

7   MR. MICHALIK: Object to the form.

8   A.   I think so. His input, especially with

9   regard to the prospects, you know, and if it would help

10 close a large deal, was critical.

11   Q.   So leadership factored in his input; is

12 that correct?

13   A.   Yes.

14   Q.   Did Mr. Lombardo have the ultimate decision

15 making authority to determine what items on the road

16 map would be prioritized?

17   A.   No.

18   Q.   Can you think of any instances in which

19 Mr. Lombardo pressed for a particular item on the road

20 map to move forward and as a result of his requests,

21 that occurred?

22   A.   Yes, GDP. Like I said, he was a strong

23 advocate for that. Career Concourse. And I actually

24 was against redoing the Career Concourse. I wanted to

25 retire it, but, you know, we gave some strong weight to

1   Rick's input that we should revamp it so that we can

2   sell it.

3   Q.   Could Rick -- could Mr. Lombardo

4   independently decide the priority of the project on

5   road map?

6   A.   No.

7   Q.   Beyond being an advocate, did Mr. Lombardo

8   have any other role in the road map?

9   A.   Yes. Until recently, I didn't have a

10 product management team, and so the account managers

11 kind of served as -- you know, they would gather data

12 from customers to help make these, kind of what we call

13 a product decision, or road map decision. And so Rick

14 was really good at identifying what the customers were

15 looking for and what the competitors had that we needed

16 to add.

17   Q.   But Mr. Lombardo didn't actually do the

18 adding of the product, correct?

19   A.   What do you mean by the adding?

20   Q.   Well, I think that was your word. I guess

21 let me restate.

22   So Mr. Lombardo's role so far was

23 advocating on behalf of projects on the road map,

24 correct?

25   A.   Yes.

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1   Q.   And gathering information from clients or

2   prospects to bring to you or others in leadership about

3   projects on the road map; is that correct?

4   A.   Road map, yes.

5   Q.   Did Mr. Lombardo do anything else with

6   respect to the road map?

7   A.   Yes. Like I said, if we needed additional

8   specifications -- so once we, you know, were seriously

9   thinking about an item on the road map, if we needed

10   additional specifications, Rick would help us get

11   those, whether that was facilitating a call with the

12   user or, you know, just going out and getting that

13   information directly.

14   Q.   Would he be directed to do that by someone?

15   A.   Yeah, we would send a request to him.

16   Q.   Now, you were based in the Cleveland

17   office, correct?

18   A.   Correct.

19   Q.   And Mr. Lombardo was also based in the

20   Cleveland office, right?

21   A.   That's correct.

22   Q.   Did you interact with Mr. Lombardo

23   routinely?

24   A.   Yes.

25   Q.   How would you describe Mr. Lombardo's work

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1   habits?

2   A.   In terms of what?

3   Q.   Did you have the opportunity to observe him

4   routinely throughout the week?

5   A.   No. So his office was across -- he was in

6   the back of the building and I was in the front. So I

7   wasn't there routinely.

8   Q.   How frequently would you see him in any

9   given week?

10   A.   Well, I would see him every day he is in

11   the office. I mean, the walls are glass, so.

12   Q.   All right. Could you see each other from

13   your respective offices?

14   A.   No, if I was sitting in my -- at my desk, I

15   could not see him, but if I got up, you know, to walk

16   around, then, yeah, I could see him at his desk.

17   Q.   So -- do you have an office at Chmura, like

18   a physical office with walls?

19   A.   Yes.

20   Q.   Was Mr. Lombardo also in an office?

21   A.   Not in the sense that it was a private

22   office. He was in -- we had a space just for Sales and

23   he was at that, at a workstation in that space.

24   Q.   Can you describe the space?

25   A.   Yeah, it is in the back of the building on

1   the second floor. There is a glass wall and a glass

2   door, and there is a -- a four-seat workstation. We

3   later added a private office in that space for the

4   sales manager.

5   Q.   How many floors does Chmura have at the

6   building in Cleveland?

7   A.   Three floors.

8   Q.   Were you and Mr. Lombardo on the same

9   floor?

10   A.   Yes.

11   Q.   Of those three floors, were you on the

12   first floor, second floor or third floor?

13   A.   The second floor, which is the top floor.

14   There is a lower level.

15   Q.   Okay. How tall is the building?

16   A.   Two stories.

17   Q.   So it had a basement, first floor, and

18   second floor; is that correct?

19   A.   Correct.

20   Q.   What was on the third floor?

21   A.   That's the roof.

22   Q.   Sorry. I'm sorry. Forgive me. What was

23   on the first floor?

24   A.   The first floor, there are some developers

25   -- so there are work stations there. It is a mix of

1   developers and data governance. We also have a kitchen

2   on the first floor, conference room, and a little,

3   like, not reception, but like some chairs when you --

4   like a little lobby area.

5   Q.   And what was in the basement?

6   A.   More workstations, a ping-pong table,

7   bathroom, and our servers.

8   Q.   What time did you typically -- what time do

9   you typically arrive at work?

10   A.   It's changed over time. I used to get in

11   really early at 6:00 to 6:30. Lately, I have been

12   getting in around 7:00. Well, lately, I have been

13   working from home, but prior to that, 7:00.

14   Q.   Sure. When did you change from getting in

15   between 6:00 and 6:30 to getting in around 7:00?

16   A.   It was the spring of 2018. I was getting

17   in early because I did a yoga practice in the morning.

18   I had a knee injury that spring and stopped doing yoga.

19   Q.   Would you observe Mr. Lombardo arrive at

20   work?

21   A.   Not usually. At that point, I was seated

22   at my desk, so I couldn't see, you know, when he would

23   come in.

24   Q.   Do you have any sense of when Mr. Lombardo

25   would begin his workday?

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1   A.   I mean, my impression was he was there in

2   the seven o'clock hour. I didn't pay close enough

3   attention to say specifically.

4   Q.   And what leads you to that impression?

5   A.   I would usually get up from my desk at some

6   point in that seven o'clock hour and would see him

7   there.

8   Q.   And that was pretty regular that you would

9   see him there in the seven o'clock hour?

10   A.   That's my impression.

11   Q.   What time did you regularly leave the

12   office?

13   A.   Between 5:00 and 5:30.

14   MS. COOPER: And I just want the record to

15   reflect that Mr. Lombardo was not here this morning,

16   but he is now joining us. He is now present in the

17   room.

18   Q.   Would you see -- would you interact with

19   Mr. Lombardo before you left for the day?

20   A.   Yes, if he was there, I would usually wave

21   to everyone on my way out.

22   Q.   Was Mr. Lombardo regularly still there when

23   you would leave for the day?

24   A.   I can't remember specifically enough to say

25   regularly. I mean, I definitely would see him at times

1   and wave.

2   Q.   Do you know how many times?

3   A.   I didn't keep track.

4   Q.   Did you observe Mr. Lombardo's lunch

5   habits?

6   A.   No.

7   Q.   You mentioned that there was a ping-pong

8   table in the office. Do people use it?

9   A.   Yes.

10   Q.   When do people play ping-pong in the

11   office?

12   A.   Between 12:00 and 1:00 -- noon and

13   1:00 p.m.

14   Q.   Did Mr. Lombardo ever play ping-pong

15   between 12:00 and 1:00?

16   A.   Not regularly, but we did have some, like,

17   office-wide tournaments that he participated in.

18   Q.   How often would those tournaments occur?

19   A.   A few times a year.

20   Q.   The calculation that we -- the spreadsheet

21   that we went over last week, do you believe that

22   accurately reflects all of the hours Mr. Lombardo

23   worked?

24   A.   I believe it's an estimate based on data

25   that was available to me.

1   Q.   Do you believe that estimate is accurate?

2   A.   Based on data, yes.

3   Q.   How about based on your observation?

4   A.   It's consistent with my observations.

5   Q.   What are your daily job duties? What makes

6   your typical day?

7   A.   Sure. So, ultimately, it all centers

8   around the software products. So I -- at the beginning

9   of the day, I would catch up on some emails, maybe

10   address any operational -- that is, software

11   operational issues. I would have a daily stand-up

12   meeting at the 10o'clock hour with our development team

13   and with our data teams, and then the rest of the day

14   would be, you know, meeting with individual developers

15   and with product managers, working on some code,

16   perhaps doing deployments.

17   Q.   Tell me about your -- well, do you have a

18   name for your department?

19   A.   We refer to it as the I.T. Department.

20   Q.   Who makes up your I.T. Department and what

21   are their positions?

22   A.   You want a list of every name?

23   Q.   Names or, really, more job function.

24   A.   Job functions? Sure. So as it exists

25   today, I have the -- I have what I call the App, A-P-P,

1   Development Team that is made up of various software

2   developers. So it could be anybody from a senior

3   software developer to a front-end developer.

4   There is a Data Team. That team is made up

5   -- we -- the title we give them is data scientists,

6   but, essentially, another type of developer. And then

7   we have the product team, which is our product manager

8   and product owner.

9   Q.   What does the product manager do?

10   A.   So the product manager is now responsible

11 for organizing all those requests we talk about that go

12 into the road map, organizing all of those, specking

13 them out, facilitating the conversation between the

14 various stakeholders; so, leadership, sales, support,

15 marketing.

16   Can we pause for one second?

17   Q.   Sure.

18   -   -   -   -   -

19   (Short recess taken).

20   -   -   -   -   -

21 BY MS. COOPER:

22   Q.   And you said there was a product -- what

23 was the other title under that team, under the product

24 team?

25   A.   Product owner.

1   Q.   What do they do?

2   A.   The product owner? You can think of it as

3   being below the product manager, but they -- they

4   handle more of the actual -- like the actual

5   implementation. So that is taking the specifications

6   and relaying those to the development team, or what I

7   call the app team.

8   Q.   Who handles the day-to-day, just general

9   technology needs of the employees of the company?

10   A.   I handle that, somewhat. I did have an --

11   I don't know what you would call it, like an I.T. guy.

12   We call it a deadlocks, but I did have someone for a

13   while that was helping with that.

14   Q.   Do you currently have anyone?

15   A.   No.

16   Q.   Do you work with any outside vendors?

17   A.   Yeah, I mean, we use cloud based services,

18   like our phone system. We don't work that ourselves,

19   the service.

20   Q.   Do you work with any I.T. management

21   companies to assist?

22   A.   No, no.

23   Q.   Was Mr. Lombardo issued a laptop computer

24   by Chmura?

25   A.   Not specifically for him. We had some

Page 114

1   laptops that were shared and that anyone could use.

2   Q.   Was he allowed to take one of those out of

3   the office?

4   A.   Yes.

5   Q.   What programs did Mr. Lombardo have access

6   to on that laptop -- well, let me ask that again.

7   How many laptops, shared laptops are there?

8   A.   It varied over time. At one point, there

9   was maybe three.

10   Q.   And was Mr. Lombardo granted access to all

11 three of them?

12   A.   He could have. I think there was some that

13 were preferred by people, like certain people preferred

14 certain laptops. One of them was kind of old, so

15 nobody liked that one.

16   Q.   Fair enough. Turning your attention to

17 late summer or fall of 2019, Mr. Lombardo was working

18 with -- or had access to a particular laptop; is that

19 correct?

20   A.   Yes, I believe he was using one of our Dell

21 laptops.

22   Q.   And would he, in that period of time, use

23 the same laptop?

24   A.   I can't say for sure. We don't have a log,

25 you know, like a sign in/out log.

1   Q.   How would an employee get access, or -- how

2   would an employee get access to a laptop?

3   A.   They were in the -- we generally kept them

4   in the conference room, so they could just take them

5   from there.

6   Q.   Did they have to ask anyone to take one?

7   A.   No. I mean within sales. I don't know if

8   they had a policy for that. You know, from the I.T.

9   standpoint, I didn't require any kind of sign out.

10   Q.   Are you aware that one particular laptop is

11   at issue in this case?

12   A.   Yes.

13   Q.   With respect to that laptop, did it have a

14   name or number assigned to it?

15   A.   I'm sure it had a name assigned to it. I

16   don't recall what it was.

17   Q.   I am going to refer to it for purposes of

18   our next set of questions here, just as 'the laptop';

19   is that okay?

20   A.   Okay. That's fine.

21   Q.   On the laptop, what programs did

22   Mr. Lombardo have access to?

23   A.   We set those up with Microsoft Windows,

24   beyond that, we generally gave the employees -- they

25   would have to request this, but I would generally set

Page 116

1   them up with admin access to that specific device so

2   that they can install anything they need. Most people

3   install Microsoft Office. I don't recall if that

4   laptop had it or not.

5   Q.   Would Mr. Lombardo have done the

6   installation of the apps that he needed on that laptop?

7   A.   He could have. I mean, to say that he had

8   the access to do that, I don't recall if I helped him

9   or my I.T. administrator helped him.

10   Q.   Do you know specifically what programs

11   Mr. Lombardo had access to on that laptop?

12   A.   No.

13   Q.   Would he have had, or did he have a profile

14   on that laptop?

15   A.   Yes. When he would log in, I mean, Windows

16   would automatically create a profile, if that's what

17   you mean.

18   Q.   Was that laptop connected to the servers in

19   some way?

20   A.   Yeah, so, ultimately, the authentication,

21   the user name and password for that device was

22   controlled by our servers.

23   Q.   Was it possible for you, or someone on your

24   team, to change the password remotely to that computer?

25   A.   So we could change the password on the

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1   server, but it wouldn't change on that specific

2   computer. I would have to research this further, but I

3   don't think it would change on that computer until it

4   was brought back to the office and reconnected to the

5   network.

6   Q.   Did that laptop have any software installed

7   on it that would allow remote access?

8   A.   Well, remote desktop is built into Windows,

9   but we did not install any kind of remote, you know,

10   like, management software.

11   Q.   Do you have any personal knowledge of what

12   programs Mr. Lombardo accessed on that laptop?

13   A.   No.

14   Q.   Does Chmura utilize any type of office --

15   is Chmura a B.Y.O.D, or bring your own device, with

16   respect to cell phones?

17   A.   We don't have a policy one way or another.

18   Q.   Does Chmura use any type of mobile device

19   management?

20   A.   No.

21   Q.   For either cell phones or -- sorry, with

22   regard to mobile devices -- actually, let me take that

23   back.

24   With respect to the laptops, was there any

25   kind of multi-factor authentication either used to

1   access -- well let me start with, was there any

2   multi-factor authentication to log in to the computer?

3   A.   Not to log in to the computer, no.

4   Q.   How about to log in to any of the apps that

5   could have been on the computer?

6   A.   Yes. I don't remember when we implemented

7   that, but at a certain point, we started using

8   multi-factor to access any of the Office 365 based

9   services, so, primarily, email.

10   Q.   And what MFA was used?

11   A.   The user could pick between -- they could

12   get a text message, they could use an app, they could

13   have a voice call come through. I think those were the

14   only three options. Technically, there is a key fob

15   option, but we didn't have that set up.

16   Q.   Other than Office 365, did any of the other

17   apps require a multi-factor authentication?

18   A.   That's the only one that I managed that had

19   it turned on.

20   Q.   Was somebody else managing the other apps?

21   A.   Some of them. So, specifically,

22   GoToMeeting and Salesforce, those were handled by

23   someone else. I mean, you know, I could get in. If

24   they would give me their password, I could get in to

25   help, but I didn't generally get into those.

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1   Q.   Who was managing GoToMeeting?

2   A.   For a time it was Greg Chmura.

3   Q.   What about Salesforce?

4   A.   Same. I helped set that up originally but

5 then handed it off to the various sales managers. I

6 don't spend a lot of time with Greg.

7   Q.   When you would log in to Salesforce using

8 somebody else's password to help them, do you recall

9 being asked for some additional authentication method?

10   A.   Yeah, so Salesforce, I think, would send an

11 email with a code or something that you have to put in.

12   Q.   Now, Mr. Lombardo's employment was

13 terminated by Chmura, correct?

14   A.   Yes, that's my understanding.

15   Q.   At the time of his termination, did you

16 take any action with respect to the laptop issued by

17 Chmura?

18   A.   Not specifically the laptop.

19   Q.   Why don't you walk me through -- what

20 actions did you take when Mr. Lombardo was terminated?

21   A.   So the kind of shut down checklist I follow

22 is we disable their network accounts. So, again,

23 that's what's used to log in to the laptop. And when

24 that laptop is synced with the server, at some point it

25 should turn off.

1   We lock down the Office 365 account as well

2   and then turn off things like the other various apps,

3   so GoToMeeting, JobsEQ. Well, Greg would do

4   GoToMeeting. I would turn off JobsEQ. Greg would do

5   Salesforce. I would disable the key fob to the

6   building.

7   Q.   And did you do all those things with

8   respect to Mr. Lombardo?

9   A.   I believe so.

10   Q.   Do you recall when you did that?

11   A.   Not specifically.

12   Q.   Once those steps were taken, what would

13   Mr. Lombardo have had access to on the laptop?

14   A.   He would still be able to access any files

15   he had on that laptop. The email, I'm not quite sure.

16   I'd have to research that. My understanding is that

17   once we disabled his email account, that he wouldn't be

18   able to -- he wouldn't be able to run Outlook, but on

19   the same token, like, we didn't -- we didn't mandate

20   any encryption on those laptops, so the files would

21   still be there.

22   Q.   Why did Chmura not mandate encryption on

23   the laptop?

24   A.   We don't have an I.T. Department in the

25   traditional sense. We are a software development

1   company, so, you know, we just operate pretty lean as

2   far as I.T., you know, that kind of I.T. Department

3   stuff is concerned.

4   Q.   Were cell phones required to be encrypted?

5   A.   No.

6   Q.   I think you mentioned that Chmura has

7   servers, on-site servers; is that correct?

8   A.   Correct.

9   Q.   What data is stored on those servers?

10   A.   There are some shared drives where various

11   members store files just related to, you know, our

12   work. And then the on-site servers are all of our

13   development resources, so all the data we use to build

14   JobsEQ.

15   Q.   That's not stored in the cloud, the data

16   for JobsEQ?

17   A.   Some of it is. The majority of it is

18   stored on-site. And then one additional thing that's

19   stored on site is our key fob system. You know, it is

20   specific to the building. That's stored on-site as

21   well.

22   Q.   With respect to JobsEQ, when a customer

23   purchases JobsEQ, what are they actually purchasing?

24   What do they get and how do they access it?

25   A.   Generally, they are purchasing an annual

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 1    subscription.  The terms of that kind of vary, but --

 2    so they get a login, or they -- well, they get -- a

 3    license includes -- they get the standard four -- I

 4    don't know if they changed that -- four logins.  So

 5    they get a login and that let's them access that

 6    software until the subscription is canceled or ends, or

 7    whatever.

 8         Q.    How do they access the software?  Is it

 9    online, or is it -- are they given software?  How did

10    that work?

11         A.    It is web based, so online.

12         Q.    So if they didn't pay for their service,

13    Chmura could turn it off remotely, correct?

14         A.    Correct.

15         Q.    In JobsEQ, is it really a database, is that

16    what's behind the software?

17         A.    What's behind the software?  I -- yeah, the

18    database.

19         Q.    So is that the data that's stored on your

20    -- mostly on the servers?

21         A.    Oh, I see what -- well, are you speaking

22    about the on-site servers?

23         Q.    Yes, yes.

24         A.    Yes, but also all -- so we utilized a lot

25    of various input to build our data sets, raw data.  So
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1   all of those raw data, which the customers can't access

2   directly, are on our servers.

3   Q.   Were you involved in the production of the

4   documents in this case?

5   A.   Somewhat. So since I manage Office 365, I

6   did some exports from the email system, and then I also

7   pulled some of the -- like the key fob logs. You know,

8   basically, the logs that I had access to.

9   Q.   With respect to the Office 365 export, what

10   did you search specifically?

11   A.   So there was -- our attorneys requested

12   certain email accounts --

13   MR. MICHALIK: I am going to object. I am

14   going to object to any inquiry into communications

15   between Mr. Chmura and counsel and instruct him not to

16   divulge any communication you had with outside counsel,

17   or with other people within Chmura who were reporting

18   the advice or requests of the outside counsel. So

19   please do not divulge those communications.

20   THE WITNESS: Understood.

21   Q.   Let me ask a new question. You said you

22   exported information out of the Office 365; is that

23   correct?

24   A.   Correct.

25   Q.   Did you look at certain custodians to

1 export that information?

2   A.   I don't know what that means.

3   Q.   Did you look at certain users to export

4 that information?

5   A.   Yes.

6   Q.   Which users did you review?

7   A.   So I exported Rick and Eli and their --

8 like their entire mailbox.

9   Q.   Anybody else?

10   A.   And then I exported -- I don't remember if

11 it was specific users, or if we did everyone based on

12 on key words.

13   Q.   Who provided those key words?

14   MR. MICHALIK: Again, I am going to object

15 to the extent it calls for any communications between

16 outside counsel and either yourself, Mr. Chmura, or as

17 that advice or communications were relayed to you by

18 other people within Chmura, the company, and instruct

19 you not to answer that.

20   MS. COOPER: I think as to who produced or

21 who requested it of him is not an attorney-client

22 confidence. I didn't ask what was requested or what the

23 conversation was. I asked who.

24   MR. MICHALIK: I disagree. I think that

25 that does get into attorney-client communications. You

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 1   are more than entitled, and you have gotten into what

 2   he searched and what he provided to be produced, but

 3   the communications that led to that search or that

 4   production, particularly if it was with outside

 5   counsel, is absolutely privileged, and is black letter

 6   privileged.

 7              MS. COOPER:  I disagree, but I will move

 8   on.

 9        Q.    Other than Office 365, did you review any

10   other -- or did you pull any other -- from any other

11   sources?

12        A.    Yes, the key fob logs, the phone system

13   logs and the ADT security notifications.

14        Q.    What is Onstage portal?

15        A.    It's a messaging platform.

16        Q.    And how does Chmura use that?

17        A.    Some of our documents are stored there; for

18   example, road map was stored there for a time.

19        Q.    Did you search Onstage portal in producing

20   documents?

21        A.    I did not.

22        Q.    Do you know if anyone did?

23        A.    I don't know that.

24        Q.    Who has access to Onstage portal?

25        A.    All Chmura employees have access.
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1   Q.   Do you know what type of information is

2   stored on it?

3   A.   There is a large amount of information.

4   Q.   Is Onstage portal a cloud-based service?

5   A.   No.

6   Q.   Is Onstage portal system -- the information

7   within there, is that stored on the on-site servers?

8   A.   No, it is not stored on on-site servers.

9   Q.   Where is it stored?

10   A.   It is stored in our production servers.

11   Q.   And where are the production servers?

12   A.   They are located in a data center offsite.

13   Q.   Is there anything else located in that data

14   center?

15   A.   Yeah, it's a co-location space, so it's --

16   Q.   Anything else from Chmura located on that

17   offsite data server?

18   A.   Yes, so all of our -- anything we consider

19   production is -- I take that back because some of is

20   cloud based. JobsEQ. The primary JobsEQ application

21   and database is stored there.

22   Q.   Once you had collected the information from

23   Office 365, what did you do with it?

24   A.   I am not sure I can answer that. It

25   involves communication with my attorney.

1   Q.   Okay. Did you review those documents?

2   A.   I did not.

3   Q.   Did you just do the document pull?

4   A.   Correct.

5   Q.   Did you work, generally, with the account

6   managers?

7   A.   No. What does "generally" mean?

8   Q.   Did you have any interaction with the

9   account managers?

10   A.   Yeah, insofar as we are in the same

11   building.

12   Q.   Do you -- are you aware of what the job

13   duties of an account manager are?

14   A.   In a general sense. I wasn't involved with

15   the specifics of it.

16   Q.   What was your general sense?

17   A.   Ultimately, their job was to sell JobsEQ,

18   but that involved prospecting, you know, and various

19   forms of prospecting and renewals, because it is a

20   subscription platform.

21   Q.   And the account managers, where did they,

22   or -- where were they doing most of their selling from?

23   A.   I mean, a lot of it was done over -- you

24   know, like the demos are done over GoToMeeting, so they

25   would do a lot of it from their desk. Various account

1   managers would go to conferences as well.

2   Q.   And they were making phone calls from their

3   desks, too, correct?

4   A.   Yes.

5   Q.   And Mr. Lombardo was an account manager; is

6   that correct?

7   A.   Yes.

8   Q.   Do you know the distinction between an

9   account manager and a senior account manager?

10   A.   No.

11   Q.   How often would you interact with the

12 account managers?

13   A.   Depends on the day and if anything was

14 broken.

15   Q.   Fair enough.

16   A.   Or if the phones went out.

17   Q.   I think I can relate. How often would

18 Mr. Lombardo interact with you in a business sense?

19   A.   Sure. I didn't keep track specifically. I

20 mean, he always had feedback, you know, like I

21 mentioned. I didn't -- for a long time, I didn't have

22 a product management team, so I depended on those

23 account managers to hear what the customers were

24 saying.

25   Q.   And then did you also help him with his

1   I.T. issues?

2   A.   Yeah. As I mentioned, we are pretty lean

3   on I.T., traditional I.T., so if there was issues, I

4   would help, you know. Like, we also always -- for

5   whatever reasons, we always had printer problems, so,

6   that kind of stuff.

7   Q.   Did you interact with Mr. Lombardo outside

8   of the office?

9   A.   Not on a regular basis. You know, we had

10 like a couple company parties, Christmas things. He

11 came to a fund raiser that I was having for my son

12 once.

13   Q.   Were you involved in the decision to

14 terminate Mr. Lombardo?

15   A.   No. I mean, leadership, you know, met on

16 it, but, ultimately, that is not part of my

17 responsibility in I.T.

18   Q.   And tell me, you may have already told me

19 this last week, but can you tell me who constitutes

20 leadership?

21   A.   Yeah. The leadership team is Chris Chmura,

22 Leslie Peterson, myself, Greg Chmura, Sharon Simmons

23 and Xiaobing Shuai.

24   Q.   Who made the ultimate decision to terminate

25 Mr. Lombardo?

1   A.   I don't know if it was Chris or Leslie.

2   Q.   What was your understanding of the reason

3   why Mr. Lombardo was terminated?

4   A.   My understanding is he was threatening to

5   -- threatening something, to give away information, or

6   work with our competitors.

7   Q.   Do you know when he was terminated?

8   A.   End of October 2019.

9   Q.   And what, if any, involvement did you have

10   with that decision?

11   A.   My involvement was through the leadership

12   team.

13   Q.   Did you have any communications with the

14   leadership team regarding his termination?

15   A.   Yeah, I mean, we -- we -- I am sure we met

16   via phone. I don't know off the top of my head, but

17   I'm certain there were communications there.

18   Q.   Do you recall any specific discussions?

19   A.   No. I mean, there were phone calls, but

20   I'd have to -- not off the top of my head.

21   Q.   Did you agree with the decision to

22   terminate Mr. Lombardo?

23   A.   Yes.

24   Q.   And why?

25   A.   I mean, at that point, that put at risk

1   everything we have built, so I don't see how -- even

2   though Rick was one of the top performers, we had to

3   look past that and do what was right for the company.

4   Q.   Do you have a sense for the performance of

5   the sales team now that Mr. Lombardo is not employed at

6   Chmura?

7   A.   Only in the sense that I get a weekly email

8   report with new business -- or like, deals closed. It

9   is hard to compare because of Covid.

10   Q.   Is Covid affecting Chmura's JobsEQ side of

11   the business?

12   A.   I don't know, and I haven't gotten into the

13   weeds enough to know if it is Covid or the sales team

14   or what.

15   Q.   Is performance down since Mr. Lombardo's

16   departure?

17   A.   My sense is, yes, but I don't -- I honestly

18   don't look at the numbers close enough to say, you

19   know, for sure.

20   MS. COOPER: I am going to excuse

21   Mr. Lombardo from the room because I am going to show

22   what's been marked as a highly confidential document.

23   -   -   -   -   -

24   (Short recess taken).

25   (Mr. Lombardo exited the room).

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 1                        -   -   -   -   -

 2   BY MS. COOPER:

 3        Q.    I am going to show you what's been marked

 4   as Defendant's Exhibit X.  If you could, just take a

 5   look at this document.

 6                            -   -   -   -   -

 7              (Thereupon, Previously Marked Exhibit

 8              X, Copy Highly Confidential Copy of

 9              Email Dated 10/2/2019 Bates

10              CHMURA0201264-269, was shown for

11              purposes of identification.)

12                            -   -   -   -   -

13              MR. MICHALIK:  Christine, can you email

14   that to me also so I can have it?

15              MS. COOPER:  I will.  Give me one moment so

16   I can have control of the screen.

17        Q.    Do you recall seeing this document?

18        A.    The email?

19        Q.    Keep going.  Keep going, I'm sorry.  Page

20   through and after you've had a chance to look at it, I

21   will ask you my questions.

22        A.    (Reviewing.)

23              Up to this point, (indicating), yes, this

24   looks like Salesforce data, some things.  Should I keep

25   going?
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1   Q.   Yeah, go ahead and page through it. Just

2   tell me when you are ready and I will ask you some

3   questions on it. Of course, it's upside down, as well

4   (indicating).

5   Have you seen this before?

6   A.   So this all looks familiar up to Page 9.

7   It is possible I saw that stuff after Page 9.

8   Q.   I am going to steal control for a second

9   here.

10   This is an email sent from Greg Chmura to,

11   it looks like, Chris Chmura, Leslie Peterson, you,

12   Sharon Simmons and Eli Auerbach; is that correct?

13   A.   Yes, that's what it looks like.

14   Q.   And it is regarding a proposed

15   reorganization structure, correct?

16   A.   That's my understanding.

17   Q.   Were you involved in the discussions

18   regarding a reorganization of the sales team?

19   A.   I don't recall. There was a presentation

20   that that is referencing, and I don't remember if I was

21   in that presentation, or if I saw that content when it

22   was emailed out here.

23   Q.   Do you have any involvement with the

24   decision making of the reorganizations of the sales

25   team?

1   A.   Not directly. Leadership -- the leadership

2   team discussed it, then I likely was involved in that.

3   I don't remember.

4   Q.   Do you have any specific recollection of

5   any conversations about it?

6   A.   No.

7   Q.   Do you remember any discussions around this

8   time regarding the termination of Mr. Lombardo?

9   A.   Not specifically. I vaguely recall there

10   was a concern that, you know, not all of the account

11   managers would be happy about this change. I am sure

12   we were thinking of Rick being one of the top

13   performers.

14   Q.   Do you recall why they wouldn't -- why did

15   account managers, or potential -- do you remember why

16   some of the account managers may not have been happy

17   about this change?

18   A.   Yeah, I -- again, I'm not in the day-to-day

19   sales, so this is kind of my general sense of it, but

20   any time you are messing with the territories or the

21   structure of the sales department, people get upset.

22   Q.   Did Mr. Lombardo ever speak to you about

23   the restructure?

24   A.   I don't recall.

25   Q.   Was the sales team, to your knowledge,

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1   ultimately restructured?

2   A.   I don't think it was.

3   Q.   Do you recall anything else about the sales

4   team restructuring?

5   MR. MICHALIK: Object to the form of the

6   question.

7   A.   No, not specifically.

8   Q.   Was Chmura concerned -- Chmura, the

9   business, or anyone at it, concerned about the costs of

10 the sales team, the compensation costs of the sales

11 team?

12   A.   If that came up in leadership, I don't

13 recall the specifics. So I can answer for myself, no,

14 they -- you know, if they are selling, then they are

15 commission based, that means they are closing deals and

16 bringing in revenue.

17   Q.   And to your knowledge, was Mr. Lombardo one

18 of the top performing sales reps?

19   A.   Yes.

20   Q.   Sorry, let me use the right term, and I

21 talked over you.

22   Was Mr. Lombardo one of the top performing

23 account managers?

24   A.   I believe he was, yeah.

25   Q.   Was there a vote amongst leadership to

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1   terminate Mr. Lombardo?

2   A.   Hmm, I don't remember one way or another.

3   Q.   Do you recall any discussion about getting

4   Mr. Lombardo to resign?

5   A.   No. I think Eli maybe was proposing

6   something. And, again, I don't remember if it was

7   during this meeting or something that came to

8   leadership, but I don't recall any specifics.

9   MS. COOPER: All right. I am going to put

10   this back and go off the record.

11   -   -   -   -   -

12   (Short recess taken.

13   Mr. Lombardo rejoined the deposition.)

14   -   -   -   -   -

15   MS. COOPER: Okay. I am just going to go

16   through my outline quickly, but I think I am about done

17   here.

18   MR. MICHALIK: Christine, do you want five

19   minutes to do that, so I can step away for a second?

20   MS. COOPER: Yeah, that would be great.

21   That would be fine.

22   -   -   -   -   -

23   (Short recess off the record.)

24   -   -   -   -   -

25   MS. COOPER: Mr. Chmura, I want to thank

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1   you for your time. I don't have any further questions

2   for you.

3   THE WITNESS: Okay.

4   MR. MICHALIK: I have no questions for

5   Mr. Chmura. We would like to read and sign, and, also,

6   as with the other depositions, a rough.

7

8   (Whereupon, deposition was concluded at 10:37 a.m.)

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1   Whereupon, Counsel was requested to give instruction

2   regarding the witness's review of the transcript

3   pursuant to the Civil Rules.

4

5   SIGNATURE:

6

7   Transcript review was requested pursuant to the

8   applicable Rules of Civil Procedure.

9

10   TRANSCRIPT DELIVERY:

11   Counsel was requested to give instruction regarding

12   delivery date of transcript.

13   Mr. Michalik, Rough and Original

14   transcript, yes.

15   Attorney Cooper deferred at the time of the

16   deposition.

17

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1   REPORTER'S CERTIFICATE

2

3   The State of Ohio,   )

4   SS:

5   County of Cuyahoga.)

6

7   I, KELLIANN D. LINBERG, RPR, a Notary Public

8   within and for the State of Ohio, duly commissioned and

9   qualified, do hereby certify that the within named

10 witness, JOHN L. CHMURA, was by me first duly sworn to

11 testify the truth, the whole truth and nothing but the

12 truth in the cause aforesaid; that the testimony then

13 given by the above-referenced witness was by me reduced

14 to stenotypy in the presence of said witness;

15 afterwards transcribed, and that the foregoing is a

16 true and correct transcription of the testimony so

17 given by the above-referenced witness.

18   I do further certify that this deposition was

19 taken at the time and place in the foregoing caption

20 specified and was completed without adjournment.

21

22

23

24

25

1   I do further certify that I am not a

2   relative, counsel or attorney for either party, or

3   otherwise interested in the event of this action.

4

5   IN WITNESS WHEREOF, I have hereunto set my

6   hand and affixed my seal of office at Cleveland, Ohio,

7   on this 14th day of May, 2020.

8

9

10

11

12

13   Kelliann D. Linberg, R.P.R.,

14   Notary Public within and for

15   the State of Ohio

16

17   My commission expires May 25, 2024.

18

19

20

21

22

23

24

25

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1   Veritext Legal Solutions
                            1100 Superior Ave
2   Suite 1820
                         Cleveland, Ohio 44114
3   Phone: 216-523-1313
4
     May 14, 2020
5

     To: Christopher M. Michalik, Esq.
6

     Case Name: Chmura Economics & Analytics, LLC v. Lombardo, Richard
7

     Veritext Reference Number: 4103611
8

     Witness: John L. Chmura   Deposition Date: 5/5/2020
9

10   Dear Sir/Madam:

11

     Enclosed please find a deposition transcript. Please have the witness

12

     review the transcript and note any changes or corrections on the

13

     included errata sheet, indicating the page, line number, change, and

14

     the reason for the change. Have the witness' signature notarized and

15

     forward the completed page(s) back to us at the Production address

16   shown

17   above, or email to production-midwest@veritext.com.

18

     If the errata is not returned within thirty days of your receipt of

19

     this letter, the reading and signing will be deemed waived.

20

21   Sincerely,

22   Production Department

23

24

25   NO NOTARY REQUIRED IN CA

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1   DEPOSITION REVIEW
                    CERTIFICATION OF WITNESS
2

          ASSIGNMENT REFERENCE NO: 4103611
3   CASE NAME: Chmura Economics & Analytics, LLC v. Lombardo,
   Richard
          DATE OF DEPOSITION: 5/5/2020
4   WITNESS' NAME: John L. Chmura
5   In accordance with the Rules of Civil
   Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7   I have made no changes to the testimony
   as transcribed by the court reporter.
8

      _____   _____
9 Date   John L. Chmura
10   Sworn to and subscribed before me, a
   Notary Public in and for the State and County,
11 the referenced witness did personally appear
   and acknowledge that:
12

          They have read the transcript;
13   They signed the foregoing Sworn
             Statement; and
14   Their execution of this Statement is of
             their free act and deed.
15

          I have affixed my name and official seal
16
   this _____ day of_____, 20____.
17

             _____
18   Notary Public
19   _____
             Commission Expiration Date
20
21
22
23
24
25

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```
 1                    DEPOSITION REVIEW
                    CERTIFICATION OF WITNESS
 2

         ASSIGNMENT REFERENCE NO: 4103611
 3       CASE NAME: Chmura Economics & Analytics, LLC v. Lombardo,
    Richard
         DATE OF DEPOSITION: 5/5/2020
 4       WITNESS' NAME: John L. Chmura
 5       In accordance with the Rules of Civil
    Procedure, I have read the entire transcript of
 6  my testimony or it has been read to me.
 7       I have listed my changes on the attached
    Errata Sheet, listing page and line numbers as
 8  well as the reason(s) for the change(s).
 9       I request that these changes be entered
    as part of the record of my testimony.
10

         I have executed the Errata Sheet, as well
11  as this Certificate, and request and authorize
    that both be appended to the transcript of my
12  testimony and be incorporated therein.
13  _____           _____
    Date                       John L. Chmura
14

         Sworn to and subscribed before me, a
15  Notary Public in and for the State and County,
    the referenced witness did personally appear
16  and acknowledge that:
17       They have read the transcript;
         They have listed all of their corrections
18           in the appended Errata Sheet;
         They signed the foregoing Sworn
19           Statement; and
         Their execution of this Statement is of
20           their free act and deed.
21       I have affixed my name and official seal
22  this _____ day of_____, 20____.
23           _____
             Notary Public
24

             _____
25           Commission Expiration Date
```

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1   ERRATA SHEET
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2   ASSIGNMENT NO: 4103611
3   PAGE/LINE(S) /   CHANGE   /REASON

4   _____
5   _____
6   _____
7   _____
8   _____
9   _____
10   _____
11   _____
12   _____
13   _____
14   _____
15   _____
16   _____
17   _____
18   _____
19

       _____   _____
20   Date   John L. Chmura
21   SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22   DAY OF _____, 20_____ .
23   _____
                      Notary Public

24

                      _____
25   Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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